

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**EDWARD D. WARD**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 5:08cv241-DCB-MTP**

**CHRISTOPHER EPPS, ET AL.**

**DEFENDANTS**

**ORDER**

THIS MATTER is before the court on the Motion to be Examined by an Outside Physician [30] filed by Plaintiff. The court having considered the matter finds that the motion should be DENIED.

Plaintiff filed his Motion [30] on March 19, 2009, requesting the court to direct Defendants to take him to an “outside of prison” physician. Plaintiff seeks this outside referral to determine the extent of his injuries from the alleged assault on February 26, 2008, and to “preclude any bias that defendants may use to hinder plaintiff of prosecuting said cause of action.” Motion [30]. On April 1, 2009, Defendants Jacqueline Banks, Sandra Jackson and T. McNabb filed their Response [35] in opposition to the Motion [30], claiming that they are under no obligation to have the Plaintiff examined by an outside physician in the absence of “an excessive risk to [his] health or safety.” *Farmer v. Brennan*, 511 U.S. 825, 837 (1994). The Defendants also correctly note that the “plaintiff has no automatic constitutional right to an outside referral or specialist.” Response [35] (citing *Lett v. Buckhalter*, No. 5:05cv171-DCB-MTP, 2008 WL 321833, at \*3 (S.D. Miss. Jan. 8, 2008)).

Plaintiff has failed to show that he is entitled to an examination by an outside physician at this time. Indeed, Plaintiff failed to offer any reason for the necessity of an outside referral,

other than potential bias by Defendants. There is no evidence of bias or any other excessive risk to Plaintiff's health or safety as a result of being treated by the physicians at his current institution. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to be Examined by an Outside Physician [30] is DENIED.

SO ORDERED this the 16th day of April, 2009.

s/ Michael T. Parker

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United States Magistrate Judge